

Defendant .

INDICTMENT

18 Cr.
18 CRIM-455

JUDGE KEENE

to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were quantities of mixtures and substances containing detectable amounts of heroin and fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812,
841(a)(1), 841(b)(1)(C).)

COUNT THREE

(Firearms Use, Carrying, and Possession)

The Grand Jury further charges:

4. On or about October 12, 2017, in the Southern District of New York and elsewhere, JOHNNY ALVALLE, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely the narcotics offense charged in Count Two of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which firearm was a semiautomatic assault weapon.

(Title 18, United States Code, Sections 924(c)(1)(B)(i) and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense alleged in Count Two of this Indictment, JOHNNY ALVALLE, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property

constituting, or derived from, any proceeds the said defendant obtained, directly or indirectly, as a result of the said offense and any and all property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of, the said offense, including but not limited to a sum in United States currency representing the amount of proceeds.

Substitute Asset Provision


6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)


FOREPERSON


GEOFFREY S. BERMAN
United States Attorney

Form No. USA-338-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOHNNY ALVALLE,

Defendant.

INDICTMENT

18 Cr.

(18 U.S.C. §§ 922(g)(1) and 2,
924(c)(1)(B)(i); 21 U.S.C. §§ 812,
841(a)(1), 841(b)(1)(C).)

GEOFFREY S. BERMAN
United States Attorney.



Foreperson.

1/26/18
Filed Indictment
case assigned to Judge Keenan USMJ Fox NO